

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHNNY HINCAPIE,

Plaintiff,

-against-

NOTICE OF MOTION

18 CV 3432 (PAC)

CITY OF NEW YORK; Detective CARLOS GONZALEZ;
Detective DONALD CASEY; Detective JAMES
CHRISTIE; Detective ARTHUR SWENSON; Detective
JOSE RAMON ROSARIO; Detective DANIEL RIZZO;
Detective MATTHEW SANTORO; Sergeant SHARIF
ALI; Sergeant JOHN HERBST; Sergeant TIMOTHY
CONNOLLY; Sergeant GARY BORMAN; The Estate of
Deputy Chief JOSEPH DEMARTINO; Lieutenant
VICTOR MOLE; Captain "JOHN" BAYSHIM; JOHN and
JANE DOE DETECTIVES 1 through 5; and JOHN and
JANE DOE SUPERVISORS 1-5,

Defendants.

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PLEASE TAKE NOTICE that upon the Declaration of Joshua J. Lax, dated February 7, 2022, and the exhibits annexed thereto, Defendants' Statement of Undisputed Facts pursuant to Local Civil Rule 56.1 dated February 7, 2022, and the accompanying Memorandum of Law, dated February 7, 2022, and all pleadings and proceedings previously had herein, defendants City of New York, Carlos Gonzalez, Donald Casey, James Christie, Arthur Swenson, Jose Ramon Rosario, Daniel Rizzo, Matthew Santoro, Sharif Ali, Timothy Connolly, and Gary Borman will move this Court before the Honorable Paul A. Crotty, United States District Judge, at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, at a date and time to be determined by the Court, for an order granting partial summary judgment pursuant to Rule 56 of the Federal Rules of Civil

Procedure, and for such other and further relief as the Court deems just, proper and equitable;
and

PLEASE FURTHER TAKE NOTICE that pursuant to the parties' agreed upon briefing schedule, opposition papers, if any, should be filed and served on the undersigned on or before February 22, 2022; and

PLEASE TAKE FURTHER NOTICE that pursuant to the parties' agreed upon briefing schedule, reply papers, if any, should be filed and served on or before March 1, 2022.

Dated: New York, New York
February 7, 2022

GEORGIA M. PESTANA
CORPORATION COUNSEL OF THE CITY OF NEW YORK
Attorney for Defendants
100 Church Street
New York, New York 10007
(212) 356-3538

/s/

By: _____
JOSHUA J. LAX
Senior Counsel
Special Federal Litigation Division

TO: Gabriel P. Harvis, Esq.
Baree Fett, Esq.
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